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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,397	08/30/2001	Aaron S. Witt	D/A1466	8229

7590 03/26/2007
Patent Documentation Center
Xerox Corporation
Xerox Square 20th Floor
100 Clinton Ave. S.
Rochester, NY 14644

EXAMINER

HO, ANDY

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/943,397

Applicant(s)

WITT ET AL.

Examiner

Andy Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief filed on 11/30/2006, PROSECUTION IS HEREBY REOPENED. Responsive to Applicant's arguments, new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 21-29 have been examined and are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh U.S Patent No. 7,024,486 in view of Lo U.S Patent No. 5,911,044.

As to claim 21, Itoh teaches a method of scanning a document at an input scanner and recording image data derived from the document at a selected destination computer among a population of destination computers (...an image data signals readout by a scanner device is directly transmitted to a terminal, connected to a network without using a sever device such as a mail server, an IP address is designated as a transmitting destination. A plurality of terminals connected to the same network by the IP address can be independently identified. Thereby, the readout image date signal can be directly transmitted from the network scanner device..., lines 25-35 column 3), comprising:

entering, at a user interface associated with the input scanner, a destination of a document scanned at the input scanner, the destination including a reference to a predetermined file location retained in the destination computer (the operation portion 1 has a display where the user inputs the IP address as the transmitting destination);

and image data moving from the input scanner directly to the destination computer (...an image data signals readout by a scanner device is directly transmitted to a terminal, connected to a network without using a sever device such as a mail server..., lines 25-35 column 3).

Itoh does not explicitly teach sending data to a destination port of the destination computer, and polling the file location.

Lo teaches a system of scanning image wherein the image is also being sent from the scanner to a destination port (image being sent to port 108 of client 102, Fig. 3) of the destination computer (...a network scanning system which allows an application program running on a client computer to control and receive information from an image scanner over a computer network, in a manner which is similar to having the scanner directly connected to the client computer..., lines 11-16 column 2); the destination computer polling the file location for incoming image data (client computer can access image file stored locally in the client computer, lines 28-30 column 3). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Itoh reference to include the teachings of Lo reference because the user can use the image in its running application as disclosed by Lo (lines 41-65 column 6).

As to claim 22, Itoh as modified further teaches there being no server operatively interposed between the input scanner and the port associated with the destination computer (...an image data signals readout by a scanner device is directly transmitted to a terminal, connected to a network without using a sever device such as a mail server..., lines 25-35 column 3).

As to claim 23, Lo further teaches the destination computer not polling the port through which image data from the scanner enters the destination computer (client computer can access image file stored locally in the client computer, lines 28-30 column 3). Note the discussion of claim 21 above for the reasons of combining references.

As to claim 24, Lo further teaches the selected destination computer activating an image acquisition program in response to detecting incoming image data in the file location (...an application program 104 such as a program which acquires images. The application program may also process the image data which is acquired..., lines 43-45 column 6). Note the discussion of claim 21 above for the reasons of combining references.

As to claim 25, Lo further teaches a daemon within the destination computer conveying image data from the port to the file location (lines 31-62 column 19). Note the discussion of claim 21 above for the reasons of combining references.

As to claim 26, Itoh as modified further teaches the input scanner scanning a document including a plurality of page images (image data signal, line 52 column 3).

As to claim 27, Lo further teaches the computer sending a template to the input scanner, the template including a network address of the computer (...the client computer 102 transmits the open session command of FIG. 7A to the scanner server 102 including the client machine name, the client address and port number in step 742..., lines 30-33 column 19). Note the discussion of claim 21 above for the reasons of combining references.

As to claim 28, Lo further teaches in response to receiving a confirmation of receiving the template from the input scanner (the server 130 transmits the open session acknowledge command illustrated in FIG. 7B to the client in step 746), the computer retaining information about the input scanner (using the

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acknowledge command to make other communications to the scanner server, lines 39-62 column 19). Note the discussion of claim 21 above for the reasons of combining references.

As to claim 29, Lo further teaches the computer retaining information about the input scanner on a list of approved input scanners; and the computer refusing to accept image data from an input scanner not associated with the list of approved input scanners (the client communicates with determined scanner servers, 740 Fig. 14A). Note the discussion of claim 21 above for the reasons of combining references.

Response to Arguments

4. Applicant's arguments filed 11/30/2006 have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

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- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H
March 15, 2007



WEI ZHEN
SUPERVISORY PATENT EXAMINER